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ROSE SHIELDS, ON BEHALF OF THE
MINOR CHILDREN.

STATE OF LOUISIANA

INDIVIDUALLY
AND ON BEHALF OF THEIR DECEASED MOTHER
FLORINE SHIELDS (D)

VERSUS NO. 08-0288

4TH JUDICIAL DISTRICT

PRIMARY HEALTH SERVICES CENTER

PARISH OF OUACHITA

FILED

JAN 23 2008

DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA.

PETITION FOR DAMAGES

NOW comes ROSE SHIELDS, ON BEHALF OF THE MINOR CHILDREN,

INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED MOTHER

FLORINE SHIELDS (D), a major domiciliary of the State of Louisiana, who would aver the
following, to-wit:

1.

That made defendant herein is:

- A. PRIMARY HEALTH CARE SERVICES CENTER, upon information and belief,
a corporation doing business in the Parish of Ouachita, State of Louisiana.

2.

That FLORINE SHIELDS (D) began to be treated by Defendant on or about June 2, 2006
and continued treatment throughout and to January 13, 2007.

3.

That FLORINE SHIELDS (D) passed away on March 4, 2007 from cancer.

4.

That during the period of treatment noted in the preceding paragraph, FLORINE SHIELDS
(D) presented numerous times to Defendant PRIMARY HEALTH CARE SERVICES CENTER
with various complaints.

5.

FLORINE SHIELDS (D) suffered damages, itemized below, which were all caused by the
negligence of PRIMARY HEALTH CARE SERVICES CENTER.

6.

That PRIMARY HEALTH CARE SERVICES CENTER was negligent in the care
delivered and the care which should have been delivered unto FLORINE SHIELDS (D) including but

CASE ASSIGNED TO:
CV SECT 1

GOVERNMENT
EXHIBIT

A

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not limited to: failing to prescribe proper treatment, failing to timely diagnose cancer, failing to timely refer to another physician and/or hospital, failure to recommend and/or refer for diagnostic testing, failure to adequately address patient's complaints, failing to properly rule out life threatening conditions, in failing to promptly answer the repeated requests for assistance, in failing to promptly notify the appropriate physicians of the condition of the patient, by failing to advise the patient's family of her condition, by failing to have adequate and/or properly trained staff on hand to properly treat and care for the patient, for failure to keep a physician on staff to properly treat and care for the patient, by failing to show the various tests that were run on the patient to the requisite and proper medical providers, and failure to provide medical care consistent with the appropriate standards, all of which have resulted in FLORINE SHIELDS (D) suffering damages, including but not limited to, loss of chance of survival, pre-death pain and suffering, untimely and wrongful death, medical expenses, and funeral expenses.

7.

Your Petitioner avers that the negligence of the made Defendant, caused the above referenced damages, plus any and all further damages which are reasonable under the premises.

8.

That [REDACTED] is the son of FLORINE SHEILDS (D) and therefore has a cause of action, including a wrongful death and survival action against Defendant, **PRIMARY HEALTH CARE SERVICES CENTER.**

9.

That [REDACTED] is the son of FLORINE SHEILDS (D) and therefore has a cause of action, including a wrongful death and survival action against Defendant, **PRIMARY HEALTH CARE SERVICES CENTER.**

10.

That [REDACTED] is the son of FLORINE SHEILDS (D) and therefore has a cause of action, including a wrongful death and survival action against Defendant, **PRIMARY HEALTH CARE SERVICES CENTER.**

11.

That [REDACTED] is the son of FLORINE SHEILDS (D) and therefore has a cause of action, including a wrongful death and survival action against Defendant, **PRIMARY**

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HEALTH CARE SERVICES CENTER.

12.

That this is the proper court of jurisdiction and venue.

13.

That prior to the filing of this Petition, a Complaint was brought under the Louisiana Medical Malpractice Act.

14.

That Petitioners received notice, on August 6, 2007, which stated that the made defendant was not qualified under Louisiana Revised Statute 40:1299.39.1.

WHEREFORE, YOUR PETITIONER, ROSE SHIELDS, ON BEHALF OF THE MINOR CHILDREN, [REDACTED]

AND [REDACTED] INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED MOTHER FLORINE SHIELDS (D) PRAYS that this Petition be deemed good and sufficient and be filed into the record and served upon the Named Defendant, after due proceedings had there be a decision rendered, in favor of ROSE SHIELDS, ON BEHALF OF THE MINOR CHILDREN, [REDACTED]

AND [REDACTED], INDIVIDUALLY AND ON BEHALF OF THEIR DECEASED MOTHER FLORINE SHIELDS (D) and against PRIMARY HEALTH CARE SERVICES CENTER, for all general and equitable relief as set forth herein and above, plus all costs of court and all interest from the date of judicial demand, plus any other relief as equity and the cause may require.

Respectfully Submitted:

KNIGHT LAW FIRM



ROBERT T. KNIGHT (LLC)

The Chase Building
1900 North 18th Street
Suite 212
Monroe, LA 71201
Telephone (318) 323-2213
Facsimile (318) 361-9835

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PLEASE SERVE:

PRIMARY HEALTH CARE SERVICES CENTER
Catherine M. Tonore
2913 Betin Avenue
Monroe, LA 71201

ROSE SHIELDS, ET AL

4TH JUDICIAL DISTRICT COURT

VS. NO. 08-0288

PARISH OF OUACHITA

PRIMARY HEALTH SERVICES CENTER, ET AL

STATE OF LOUISIANA

FILED: MAY 17 2010

BARBARA BOYETT
DEPUTY CLERK OF COURT

FIRST AMENDING AND SUPPLEMENTAL PETITION IN SUIT FOR DAMAGES

NOW INTO COURT, through undersigned counsel, come Plaintiffs, ROSE SHIELDS, on behalf of the minor children, [REDACTED]

[REDACTED] individually and on behalf of their deceased mother, FLORINE SHIELDS, who, under the authority of Louisiana Code of Civil Procedure Article 1151, desire to amend and supplement their original Petition For Damages as follows:

1.

Plaintiffs desire to amend Paragraph One (1) of their original Petition For Damages to read as follows:

"1.

Plaintiff names as Defendants herein:

- A) PRIMARY HEALTH SERVICES CENTER, alleged upon information and belief to be a domestic corporation, authorized to do and actually doing business in the State of Louisiana, whose registered agent for service of process for all suits brought against it in this state is CATHERINE M. TONORE; and
- B) TAMMIE DIXON JULIAN, alleged upon information and belief to be a resident and domiciliary of Ouachita Parish, Louisiana."

2.

Plaintiffs desire to amend Paragraph Two (2) of their original Petition for Damages to read as follows:

"2.

Plaintiffs show that FLORINE SHIELDS sought and obtained medical care and treatment at facilities owned and/or operated by Defendant, PRIMARY HEALTH SERVICES CENTER, beginning on or about June 9, 2006 and continuing subsequent thereto throughout and including January 13, 2007."

3.

Plaintiffs desire to amend Paragraph Five (5) of their original Petition for Damages to read as follows:

"5.

Plaintiffs show that, as a direct result of various acts of medical negligence committed by the Defendants, PRIMARY HEALTH SERVICES CENTER and TAMMIE DIXON JULIAN, they have suffered injuries and damages for which they seek and are entitled to receive adequate and just compensation, including but not limited to wrongful death and survival action damages, medical expenses, and funeral expenses."

4.

Plaintiffs desire to amend Paragraph Seven (7) of their original Petition for Damages to read as follows:

"7.

Plaintiffs show that the Defendants, PRIMARY HEALTH SERVICES CENTER and/or TAMMIE DIXON JULIAN, were negligent in the following particulars, to-wit:

- a) failing to prescribe proper treatment;
- b) failing to timely and appropriately diagnose and treat FLORINE SHIELD'S cancer;
- c) failing to timely order and/or perform appropriate diagnostic studies;
- d) failing to timely refer FLORINE SHIELDS to a health care provider that could and would have provided her with appropriate medical care and treatment;
- e) failing to properly assess and/or triage FLORINE SHIELDS;
- f) failing to include cancer in their differential diagnoses;
- g) failing to have a physician on staff and by failing to so advise the public in general and FLORINE SHIELDS in particular; and
- h) failing to comply with the appropriate standards of medical care."

5.

Plaintiffs desire to amend Paragraph Eight (8) of their original Petition for Damages, to read as follows:

"8.

Plaintiffs show that [REDACTED]

[REDACTED] are all the minor children of FLORINE SHIELDS (deceased), and that, as such, they are the proper parties to bring this action, pursuant to the Louisiana Civil Code."

6.

Plaintiffs desire to amend their original Petition for Damages to delete Paragraphs Nine (9), Ten (10), and Eleven (11).

7.

Plaintiffs desire to amend Paragraph Thirteen (13) of their original Petition for Damages to read as follows:

"13.

Plaintiffs show that prior to the filing of this action, a complaint of medical negligence was timely filed against the defendants and that this action is being filed within the applicable time delays following notification by the Division of Administration that the defendants are not "qualified" health care providers, as that term is defined by the Louisiana Medical Malpractice Act, and that they are therefore not entitled to the protections of said Act, including but not limited to the cap on damages."

8.

Plaintiffs desire to delete Paragraph Fourteen (14) of their original Petition for Damages.

9.

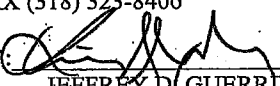
Plaintiffs reiterate all remaining unamended allegations made in their original Petition For Damages.

WHEREFORE, PETITIONERS PRAY that this First Supplemental and Amending Petition be filed and served according to law. Plaintiff further prays for all other equitable relief.

BY ATTORNEYS:

GUERRIERO & GUERRIERO
2200 FORSYTHE AVENUE
MONROE, LOUISIANA 71201
TEL. (318) 325-4306
FAX (318) 323-8406

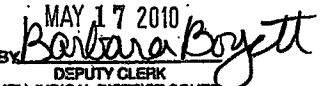
BY:


JEFFREY D. GUERRIERO
LA. BAR NO. 19602
KEVIN D. ALEXANDER
LA BAR NO. 24933

PLEASE SERVE:

1. PRIMARY HEALTH SERVICES CENTER
Through its Registered Agent for Service of Process:
CATHERINE M. TONORE
2913 Betin Avenue
Monroe, LA 71201
2. TAMMIE DIXON JULIAN
1311 Speed Avenue
Monroe, LA 71201

CERTIFIED
TRUE COPY

MAY 17 2010
BY 
DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
QUACHITA PARISH, LA

SUPPLEMENTAL CITATION

D1490010

KS

ROSE SHIELDS, ET AL

DOCKET NUMBER: C-20080288 SEC: C1

VS

STATE OF LOUISIANA

PARISH OF OUACHITA

**PRIMARY HEALTH SERVICES
CENTER**

FOURTH JUDICIAL DISTRICT COURT

OUACHITA PARISH

**TO: PRIMARY HEALTH SERVICES CENTER
REGISTERED AGENT: CATHERINE M. TONORE
2913 BETIN AVENUE
MONROE, LA 71201**

You are hereby cited to comply with the demand contained in the supplemental and amended petition, a certified copy of which accompanies this citation, or to file your answer or other pleading to said supplemental and amended petition in the office of the Clerk of the Fourth Judicial District Court in the Ouachita Parish Courthouse in the City of Monroe in said Parish within the time remaining for pleading to the original petition heretofore served upon you or within ten (10) days after service hereof, whichever period is longer. Your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

WITNESS the Honorable Judges of our said Court on this 17TH DAY OF MAY, 2010.

W.J. (BILL) HODGE, CLERK OF COURT

OTHER:
FIRST AMENDING AND SUPPLEMENTAL PETITION IN SUIT FOR DAMAGES

KATHY STEWART

By: _____
Deputy Clerk

ATTY: JEFFREY D. GUERRIERO #19602

_____ ORIGINAL

_____/_____
SERVICE COPY

_____ FILE COPY

**CERTIFIED
TRUE COPY**

MAY 17 2010
[Signature]
DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA